



107-
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JAN 06 2003

IN THE APPLICATION OF:

RICHARD C. EBERSOLE

CASE NO.: BC1002 US NA TECH CENTER 1600/2900

APPLICATION NO.: 09/548998

GROUP ART UNIT: 1643

FILED: APRIL 14, 2000

EXAMINER:

#26/E

FOR: NUCLEIC ACID FRAGMENTS FOR THE IDENTIFICATION OF
DECHLORINATING BACTERIA

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

By Office Action dated November 20, 2002, the above-referenced application has been made subject to a requirement to restrict.

Claims 1-5 are in the case.

The Examiner finds that the subject application should be restricted 52 ways. In relevant part the Examiner has taken the position that claims 1, 3 and 5 (Group VII) are drawn to a an isolated 16srDNA sequence indicative of a dechlorinating bacteria strain and an isolated bacterial strain comprising the same as they read on SEQ ID NO:8 and are classified in Class 536 subclass 24.32 and Class 435, subclass 243 respectively.

Election of claims is required under 37 CFR 1.143.

Accordingly Applicants hereby elect Group VII encompassing Claims 1,3 and 5 as they read on SEQ ID NO:8 without traverse.

✓ Please cancel claims 2 and 4 as drawn to a non-elected invention.

The above Election of Claims and species and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENT, WASHINGTON, D.C. 20231, ON THIS DATE.

12/19/02
DATE

Mary Beth Pitcher
MARY BETH PITCHER

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Neil Feltham', with a stylized flourish at the end.

NEIL FELTHAM
ATTORNEY FOR APPLICANT
Registration No.: 36,506
Telephone: (302) 992-6460
Facsimile: (302) 992-5374

Dated: December 18, 2002